

FILED FOR RECORD

2023 JUL 10 PM 12:01

THERESA CARRASCO
ATASCOSA COUNTY CLERK
BY *K. Sumner* DEPUTY

NOTICE OF TRUSTEE'S SALE
and
APPOINTMENT OF SUBSTITUTE TRUSTEE

THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.

WHEREAS, on September 25, 2020, Jose Macias and wife, Brenda Rivera executed a Deed of Trust conveying to James A. Sindon, Trustee, the real property hereinafter described, to secure William Curtis Cogburn, in the payment of a debt therein described, said Deed of Trust being recorded in File No. 207872, Official Public Records of Atascosa County, Texas.

WHEREAS, default has occurred in the payment of said indebtedness, and the same is now wholly due, and the owner and holder of said debt has requested the hereinafter appointed Substitute Trustee to sell said property to the highest bidder for cash and to distribute or apply the proceeds of said sale in accordance with the terms of said Deed of Trust.

WHEREAS, in my capacity as the attorney for the present owner and holder of the note, and pursuant to Section 51.0076(3) Texas Property Code, I hereby name, appoint and designate Dick Vettters or Mark Cummings or Jason West or Matthew Johnson, the Substitute Trustee(s) in the above described Deed of Trust and/or to act under and by virtue of said Deed of Trust, including posting and filing the public notice required under Section 51.002 Texas Property Code as amended, and to proceed with a foreclosure of the Deed of Trust lien securing the payment of said note.

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on Tuesday, August 1, 2023, at 10:00 o'clock a.m. or within three (3) hours thereafter, the Substitute Trustee will sell said real property at the place hereinafter set out, to the highest bidder for cash. The place of sale shall be in the area designated by the Commissioners Court of such County, pursuant to §51.002 of the Texas Property Code as the place where foreclosure sales are to take place (if such place is not so designated, the sale will take place in the area where this Notice of Substitute Trustee's Sale is posted), in the City of Jourdanton, Atascosa County, Texas.

Said real property is described as follows:

Tract 1:

THE SURFACE ESTATE ONLY AND TO A 24.242 acres, being two tracts containing 12.121 acres of land each (called Tracts 2 and Tract 3) being out of Survey No. 370, Abstract No. 93, H. W. Bentwick, original grantee, being a portion of that certain 97.648 acres conveyed to William Curtis Cogburn and Sandra Jo Cogburn by deed recorded in Volume 195, Page 856, Official Public Records of Atascosa County,

Texas, and said 24.242 acres being more particularly described in Exhibit "A" and Exhibit "B" attached to the above mentioned Deed of Trust; and

Tract 2:

Being a Non-Exclusive 30 foot wide Ingress-Egress and Utility Easement situated about 22.4 miles N 27 deg. W of Jourdanton, in Atascosa County, Texas, lying within Survey No. 370, Abstract No. 93, H. W. Bentwick, original Grantee, lying within that certain 115.429 acre tract of land described in a Deed to William Curtis Cogburn and Sandra Manger from Samuel H. Vester, Jr., dated July 18, 1996, as recorded in Volume 54 on Page 654 of the Official Public Records of Atascosa County, Texas, and lying within that certain 97.648 acre tract of land described in a Deed to William Curtis Cogburn and Sandra Jo Cogburn from Lytle Investments, Ltd., dated March 27, 2002, as recorded in Volume 195 on Page 856 of the aforementioned Official Public Records, and being more particularly described in Exhibit "C" attached to the above mentioned Deed of Trust.

SAVE AND EXCEPT the following described property conveyed in Warranty Deed with Vendor's Lien dated April 20, 2022 and recorded in File Number 224129, Official Public Records of Atascosa County, Texas.

Tract 1: BEING a 12.117 acre tract of land situated in the H. W. Bentwick Survey No. 370, Abstract No. 93, Atascosa County, Texas and being that same Exhibit "B", a called 12.121 acre tract of land described by Warranty Deed with Vendor's Lien dated September 25, 2020, conveyed from William Curtis Cogburn and Sandra Jo Cogburn to Jose Macias and wife, Brenda Rivera as recorded in Instrument No. 207871 of the Official Public Records, Atascosa County, Texas, said 12.117 acre tract of land being more fully described by metes and bounds in said September 25, 2020 Warranty Deed with Vendor's Lien.

Tract 2: Being a Non-Exclusive 30-foot-wide Ingress-Egress and Utility Easement situated about 22.4 miles N 27 deg. W of Jourdanton, in Atascosa County, Texas, lying within Survey No. 370, Abstract No. 93, H. W. Bentwick, original Grantee, lying within that certain 115.429 acre tract of land described in a Deed to William Curtis Cogburn and Sandra Manger from Samuel H. Vester, Jr. dated July 18, 1996, as recorded in Volume 54, Page 654 of the Official Public Records of Atascosa County, Texas and lying within that certain 97.648 acre tract of land described in a Deed to William Curtis Cogburn and Sandra Jo Cogburn from Lytle Investments Ltd., dated March 27, 2002, as recorded in Volume Instrument No. 207871 of the Official Public Records, Atascosa County, Texas, said 12.117 acre tract of land being more fully described by metes and bounds in said September 25, 2020 Warranty Deed with Vendor's Lien.

The Deed of Trust permits the Beneficiary to postpone, withdraw, or reschedule the sale for another day. In that case, the Trustee under the Deed of Trust or Substitute Trustee appointed herein need not appear at the date, time and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Texas Property Code. The reposting or refiled may be after the date originally scheduled for this sale.

Pursuant to Section 51.009 of the Texas Property Code, the property will be sold in "AS IS,

WHERE IS" condition, without any express or implied warranties, except as to the warranties of title (if any) provided for under the Deed of Trust. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the property and the priority of the lien being foreclosed.

The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the Deed of Trust permitting the Beneficiary thereunder to have the bid credited to the Note up to the amount of the unpaid debt secured by the Deed of Trust at the time of sale.

Those desiring to purchase the property will need to demonstrate their ability to pay their bid immediately in cash if their bid is accepted.

The sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the sale will necessarily be made subject to all prior matters of record affecting the property, if any, to the extent that they remain in force and effect and have not been subordinated to the Deed of Trust. The sale shall not cover any part of the property that has been released of public record from the lien of the Deed of Trust. Prospective bidders are strongly urged to examine the applicable property records to determine the priority nature and extent of such matters, if any.


In the event of a defect or other problem with the foreclosure process is discovered that may invalidate the sale, the consideration paid will be returned to the purchaser as the sole and absolute remedy. In the event of any claim or action brought by any person including the purchaser requiring or resulting in the invalidation of the sale and rescission of the Trustee's Deed or Substitute Trustee's Deed, purchaser's damages resulting therefrom are limited to the consideration paid to the Trustee or Substitute Trustee and the sole and absolute remedy shall be the return to purchaser of the consideration paid. The purchaser shall have no further recourse against the Trustee, Substitute Trustee, Mortgagor, Mortgagee or the Mortgagee's attorney.

Default has occurred under the Deed of Trust, and the beneficiary has requested the above named Trustee or Substitute Trustee(s), to conduct this public sale. Notice is given that before the sale the beneficiary or the Beneficiary's attorney, agent or servicer may appoint another person substitute trustee to conduct the sale.

Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice immediately.

The Substitute Trustee's address is c/o WEST & WEST ATTORNEYS, 2929 Mossrock, Suite 204, San Antonio, Texas 78230.

WITNESS MY HAND on 10TH day of July 2023.



DEAN W. GREER, State Bar No. 08414100
Attorney or Authorized Agent for the
Mortgagee or Mortgagee's Servicer
WEST & WEST ATTORNEYS, P.C.
2929 Mossrock, Suite 204
San Antonio, Texas 78230